

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
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VIA ECF

June 12, 2019

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees write on behalf of all plaintiffs to oppose the recent reply letters (ECF Nos 4583 and 4585) of the World Assembly of Muslim Youth defendants ("WAMY") and the Kingdom of Saudi Arabia ("the Kingdom" or "Saudi Arabia"), which contain new arguments related to WAMY's Letter Motion for Protective Order (ECF No. 4571). On June 6, 2019, WAMY submitted its Letter Motion pursuant to Para. 41 of the Deposition Protocol Order (ECF No. 3894). The Kingdom then wrote a letter in support of WAMY's motion (ECF No. 4575) and the plaintiffs opposed the motion (ECF No. 4581). The two recent reply filings, by WAMY and the Kingdom, should be stricken as unauthorized under the Deposition Protocol Order

Because Paragraph 41 of the Deposition Protocol Order, which authorizes only a motion and response, does not authorize reply letters, plaintiffs respectfully request that the Court strike the replies submitted by both WAMY and the Kingdom. If the Court does elect to consider those unauthorized filings, plaintiffs offer the following two points in response to new arguments raised in those submissions.

First, the Kingdom misses the point entirely in arguing that the discovery plaintiffs seek of WAMY is not relevant to the jurisdictional inquiry as to Saudi Arabia. The pertinent question is whether the discovery plaintiffs seek to conduct of WAMY is relevant to the merits proceedings as to WAMY. As the Kingdom acknowledges, WAMY did not previously raise a relevancy objection to these lines of inquiry, and has produced documents discussing these matters for which plaintiffs seek to obtain testimony. Those circumstances alone settle the matter.

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Second, even if WAMY had raised a timely objection when the issue arose during document discovery (which it did not), the discovery concerning the Kingdom's funding and direction of WAMY's activities is directly relevant to the claims against WAMY in numerous respects. WAMY is alleged to have served as a conduit for funneling funds and other resources to al Qaeda, and tracking the flow of funds and resources through WAMY, and how those were directed to be applied, is critical to plaintiffs' claims. Further, WAMY has sought to avoid culpability for acts undertaken by its branch offices, by arguing that those offices failed to follow direction from headquarters or were in some way operating as rogue entities. The structure of control that governed WAMY's global operations is thus relevant both to plaintiffs' claims and to defenses WAMY has interjected. The documents reflect that elements of the Saudi government were deeply involved in those control mechanisms, and that evidence is directly relevant to the claims against WAMY.

Respectfully submitted,

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For the Plaintiffs' Exec. Committees

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF